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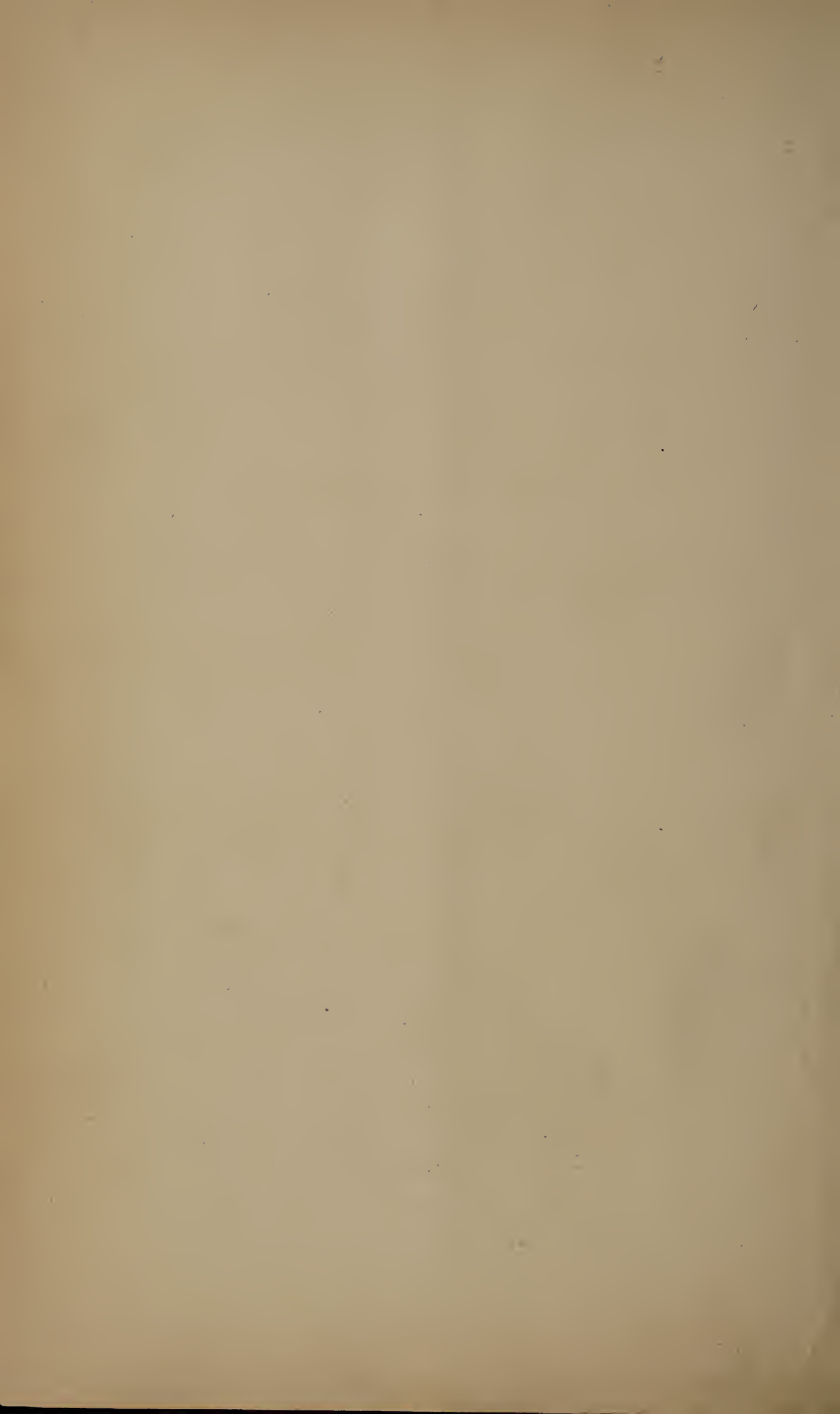
CORPORAL PUNISHMENT

IN BOARD OF EDUCATION.

- REPORT OF COMMISSIONER JARVIS . . OCT. 5, 1870
- REPORT OF COMMISSIONER HALSTED, NOV. 5, 1873
- REPORT OF COMMISSIONER WEST, . . JUNE 6, 1877
- REPORT OF COMMISSIONER WALKER, JUNE 6, 1877

NEW YORK:
 BOARD OF EDUCATION, 146 GRAND ST.

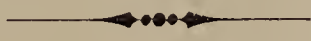
1877.



CORPORAL PUNISHMENT.



IN BOARD OF EDUCATION, OCTOBER 5, 1870.



Commissioner JARVIS presented the following report from the Committee on By-Laws, Printing, Elections and Qualifications, relative to Corporal Punishment :

To the Board of Education :

The Committee on By-Laws, Printing, Elections and Qualifications, to whom was referred, at a stated session of the Board, held April 6, 1870, the following resolution, viz. :

“ *Resolved*, That By-Law No. 42, page 86 of the Manual of 1870, be repealed ; and that By-Law No 43 of the Manual of 1869, pages 81, 82 and 83 be re-adopted ;”

and, also, to whom was re-committed a report of said committee, presented by the President, then chairman of the committee, adverse to the adoption of said resolution, at a stated session of the Board held May 18, 1870, together with a resolution directing the committee “ to report some resolution by which the children could be controlled in the schools,” respectfully

REPORT:

That, after mature deliberation, they can see no reason for changing their decision in reference to the subject of corporal punishment in the schools, and therefore adhere to the views expressed in the report recommitted to the committee, and would again report it for adoption were it not for the fact that petitions have, since the presentation of said report, been presented by teachers in favor of the re-enactment of the by-laws authorizing corporal punishment in the schools, and as it is alleged in said petition "that corporal punishment is a necessity for the proper government of the male departments, and that the schools have suffered in discipline in consequence of its abolishment," and as some zealous and conscientious friends of the schools have expressed the same opinion, it is deemed advisable to present to the Board and the public all the facts and circumstances that led to the abolishment of corporal punishment in the schools under its control from its inception to the present time.

This is done for two reasons.

FIRST—To give full and accurate information on the subject to the Board, so that it may be guided to a proper and final decision of the question.

SECOND—For the purpose of demonstrating that in the public schools of this city corporal punishment is not only unnecessary for the proper government of a school, but that the schools have thrived better, both in discipline and scholarship, since the commencement of its gradual abolishment in 1865.

Your committee, in stating the facts, will be as concise as the importance of the subject will justify.

In the year 1865 several complaints were made by parents

against teachers for cruelty in inflicting corporal punishment, which were brought before the Board of Education and its Superintendent of Schools for consideration. In the same the following resolution was offered in the Board :

Resolved, That the Committee on By-Laws, Rules, and Regulations be, and they are hereby instructed to report to the Board at its next session a by-law prohibiting corporal punishment in all the primary schools and primary departments under the control of this Board.

This resolution was referred to the Committee on By-Laws, Rules and Regulations, and the Committee, in connection with the President of the Board and Superintendent of Schools, made a careful and critical examination of the whole subject.

It was first ascertained that it had been the standing rule of this Board and its Superintendent that no scholar should receive corporal punishment, except in cases of *extreme necessity*, and after all other means of correction had failed.

After this, notices were sent to all the Principals of Primary Schools and Departments, with a request that they should give their views on the subject, and state generally whether corporal punishment was a necessity in conducting a school, and, if so, when it would be justified. Twelve principals, representing schools in various sections of the city, stated that corporal punishment was not a necessity—that their schools were governed without it; all the others deemed corporal punishment absolutely essential to conduct their schools properly. What they considered causes for corporal punishment were so frivolous and varied, that the committee came to the conclusion that, although the rule existed that corporal punishment should only be applied in cases of "*extreme necessity*," yet it was of little or no effect in restraining its infliction.

The committee next inquired as to the number of corporal punishments inflicted in the Male Grammar Schools and Primary Schools and Departments, and it was estimated, after a careful computation, that there were over one hundred thousand cases of corporal punishment in the year 1864, in the schools, although the twelve Primary Schools before alluded to, with an average attendance of over four thousand, showed that they were controlled without the rod, and with a record for discipline and scholarship above the average. That in some schools corporal punishment was the exception and in others the rule. Thus, in many schools the cases of corporal punishment exceeded five thousand a year, while in others, with equal average attendance, they did not reach fifty, the difference in the Male Grammar Departments being more marked than in the Primary Schools and Departments. The officers of the Board of Education at that time, and several of the members who had given attention to the subject, were in favor of abolishing corporal punishment forthwith, at least in the Primary Schools and Departments; but the rod had been used too long to obtain a favorable response to their views, and the committee was compelled, much against its will, to submit the following by-law, which is substantially the same as section 43 of the By-Laws of 1869 :

SEC. " Corporal punishment of any description, or for any offence, shall be inflicted only by the Principal or Vice-Principal of a school, and by the Vice-Principal only in the absence of the Principal. The offence for which the punishment is inflicted shall be distinctly stated to the pupil, and it shall be the duty of the Principal to keep a record of every such punishment, stating the name of the pupil, the offence committed, the evidence of such offence, as ascertained by personal investigation by such Principal or Vice-Principal, and the nature and extent of such punishment; and said Principal shall forward a transcript of such record monthly, on or before the 3d day of each month, to the City Superintendent of Schools, who shall keep the same

for the inspection of the Board of Education, the School Inspectors and the School Trustees. Any Principal neglecting to keep such record, or to forward the transcript thereof as above required, or who may be guilty of inflicting any cruel or excessive punishment, and any teacher, other than the Principal or Vice-Principal aforesaid, who shall inflict any corporal punishment, shall, on the recommendation of the City Superintendent, on proof of such delinquency or improper punishment, be removed by the Board."

When this by-law was adopted many advocates of the abolishment of corporal punishment complained; they insisted at the time that it really left things as they were before. But the Principals of Schools took a different view; and the Male Principals immediately thereafter called a meeting of their association and drew up a formidable protest against the enforcement of the by-law, assigning, among other things, the reason that it would destroy the discipline of the schools, by interfering with the prerogative of the Principals, and tend to degrade the scholars if a record was made of their transgressions. The protest was unheeded by the Board, and the by-law was enforced.

The first reports in pursuance of the by-law were presented October 31, 1865, but the by-law was not in full operation until the next month (November), which showed the following results.

Corporal punishments inflicted in the Male Departments..	2,434
Corporal punishments inflicted in the Female Departments	1
Corporal punishments inflicted in the Primary Schools....	1,485
Corporal punishments inflicted in the Primary Departments	589
Corporal punishments inflicted in the Colored Schools.....	124
	———
Total.....	4,633

Which was at the rate of about 46,350 annually.

It was noticed, that several of the schools had abolished corporal punishment immediately on the adoption of the by-law, and that corporal punishment had generally become the exception, instead of the rule.

The three months' returns at the end of the year showed the following results, and they are worthy of careful perusal: No corporal punishment whatever was inflicted in any of the Female Departments of the Grammar Schools, with the exception of two or three instances of slight importance; none in seventeen of the fifty Primary Departments; none in sixteen of the forty Primary Schools, making in all ninety of the one hundred and ninety-six schools and departments; that the average number of punishments of all offences in the remaining forty-one Male Departments of the Grammar Schools was thirty-seven per month; in the remaining thirty three Primary Departments, twenty eight; in the remaining twenty four Primary Schools, fifteen; in the six remaining Colored Schools, twenty two; deducting, however, six of the Male, five of the Primary Departments, and two of the Primary Schools, in each of which the monthly number of punishments exceeds one hundred, and the monthly average of punishments in the remaining Male Departments would be reduced to twelve, that of the Primary Departments to fourteen, and that of the Primary Schools to seven.

The examination of the schools by the Superintendent and his assistants showed the following results for the year 1865 :

Male Departments.....	average 71 per cent.
Female Departments.....	“ 83 “
Primary Departments.....	“ 84 “
Primary Schools.....	“ 83 “

Reports of Corporal punishment inflicted for the month of November, 1866, were as follows :

Corporal punishments, Male Department.....	2,052
Corporal punishments, Female Department.....	26
Corporal punishments, Primary Department.....	996
Corporal punishments, Primary Schools.....	293
Corporal punishments, Colored Schools.....	71
	<hr/>
Total.....	3,438

Which is 1,197 less than were inflicted in the same month in 1865.

And the actual number of corporal punishments inflicted in all the schools during the year was 34,170.

In six of the Male Departments and in thirty-eight of the forty-four Female Departments, and in twenty-three of the eighty-three Primary Schools and Departments, no corporal punishment was inflicted during the year, thus making sixty four out of one hundred and ninety-three schools conducted without the use of the rod.

The marked improvement in omitting to employ corporal punishment as a means of discipline caused considerable anxiety to learn the results of the examinations of the school by the Superintendent and his assistants. It was as follows:

Male Department.....	average	81	per cent
Female Department.....	“	88	“
Primary Department.....	“	89	“
Primary Schools.....	“	87	“

The increase in the average attendance in all the schools over 1865, was 1,821.

When these results were known, the Board, by a unanimous

vote, abolished corporal punishment in the Female Grammar Schools, Primary Schools and Primary Departments.

In 1867 the whole number of corporal punishments inflicted in the Male Department was 13,040, being 6,951 less than the number inflicted in the same department in 1866.

The records show that in ten of these schools, located in eight different wards, with an average attendance of over three thousand, no corporal punishment was inflicted, and this, too, without detriment to discipline or scholarship; while one school was averaging one hundred and eighty a month, another one hundred and fifty, and so down until it reached a unit.

The results of the examination of schools by the Superintendent and his assistants for the year 1867 were as follows :

Male Department	average	82	per cent.
Female	“	“	85	“
Primary	“	“	85	“
Primary Schools	“	85	“

In 1868 the number of corporal punishments inflicted in the Male Departments was 7,885, or 5,185 less than was inflicted in 1867.

The records show that in eighty-six Primary Departments and Schools, and in all the Female Departments, and in nearly half of the Male Departments corporal punishment had disappeared.

The results of the examinations of schools for 1868 were as follows, as stated in the City Superintendent's report :

“The average results of satisfactory examinations in all the Grammar Schools and Primary Schools and Departments are nearly ninety-five hundredths, or an advance of about fifteen per cent. over any preceding year.”

In 1869 the whole number of corporal punishments inflicted was 6,642, being 1,223 less than the number inflicted in 1868.

The examination of the schools by the Superintendent and his assistants showed that the average of all the schools exceeded eighty per cent., which was an excellent record, considering that a large number of the schools were closed in consequence of the prevalence of the small-pox. But even this record compares favorably with the average before 1865.

In January, 1870, a majority of the Principals of the Male Departments of their own volition discontinued corporal punishment, leaving but thirteen schools where the Principals deemed it necessary to use the rod to enforce proper discipline, and the records for that month show that corporal punishment was inflicted 286 times, while the number inflicted in the Male Department in January 1866, was 2,417.

After it was known to this Board that thirty-five of these schools were properly disciplined, and the scholarship creditable, without the use of the rod, it was deemed unwise to permit corporal punishment to be inflicted in thirteen departments, and a by-law was, in the opinion of your committee, very justly adopted to abolish it in all the schools.

It is proper to state here, also, that this dispensation of the rod has been effected without a diminution of attendance, nor did it cause in its practice as many dismissals from schools for misbehavior as occurred previous to the adoption of the various by-laws curtailing and abolishing its use. It was also proven in the schools, conclusively, as it has been elsewhere, that kindness, as a rule, has a greater influence in securing discipline and respect than physical force.

It has been shown that the restriction of corporal punishment to

cases of persistent and flagrant misconduct had been the rule from the establishment of the school system, and that each Principal defined it according to the peculiarities of his organization or prejudices, and that the result of this definition was about one hundred thousand whippings a year.

And we have shown conclusively that by the prohibition of corporal punishment the schools have flourished better; after this exhibit it seems not only to be improper but cruel for the Board to restore corporal punishment.

There is one other point that has incidentally received the consideration of your committee, and that is the fact that the most persistent advocates for the restoration of corporal punishment come from the Male Grammar Departments of our schools, and they ask for its restoration in these departments only; and the resolution now before the committee, if adopted, will only restore the privilege to inflict corporal punishment in them.

This makes the question more embarrassing, independent of the views heretofore expressed by the committee. Do these advocates wish it to be proclaimed that the scholars in the Primary Schools and Departments under the control of Female Principals are to be disciplined and educated by the influences of kindness and affection, and that when their scholars are promoted, and go up one flight of stairs to the Male Grammar Department, the Male Principal cannot govern them without inflicting corporal punishment; and, further, that when they are promoted from these departments to the College, the government of kindness is again to prevail; or that if by chance a boy is compelled to leave his day school to earn his living and then attends an Evening School, he is also to be governed without the use of the rod?

Let it be understood that promotions do not depend on the age of the scholar, but on educational acquirements. Therefore, boys

of the same age are to be found in the Primary and Grammar Schools, and in the Evening Schools, and College; and also, that the number of scholars daily taught in the Primary and Evening Schools and in the College, each under the control of one Principal, is larger than those of the Male Grammar Departments.

It seems to the committee that it would be a reflection on the Principals of the Male Grammar Departments and their assistants (and one that this Board should be very reluctant to make) to restore corporal punishment in their schools and prohibit it in all the others.

Your committee are greatly strengthened in their convictions that the conclusions they have arrived at in this report are correct, by the strong and eloquent protest against the continuance of corporal punishment in the schools, made in the last report presented by Mr. Randall, the late Superintendent of Schools, which opinion has also been emphatically endorsed by the present Superintendent; and added to this is a similar opinion of the President of our Normal College, who, when appointed to that position, was Principal of the largest Male Grammar School in the city, which he had managed with uninterrupted success for years without inflicting corporal punishment in a single instance; and, were it deemed necessary, the opinion of other eminent educators might be added to sustain the views of those who are now at the head of our school system upon this question.

Your committee will not refer to the demoralizing influence of corporal punishment in the schools to both teachers and scholars; this question is too well settled to require further discussion, and it is rapidly becoming the rule to decide on the qualification of the teacher by the number of corporal punishments he deems it necessary to inflict to obtain good results in his school.

'This city was the first community of the earth to establish schools *absolutely* free, where rich or poor can enter and receive the blessings of a good education. It was the first to establish a higher in-

stitution of learning, where all alike can receive the benefits of a collegiate education, without price. It was the first to provide evening schools, in which the adult and youth, male and female, who are compelled to labor through the day, can obtain free education,

It was the first to create affection for the school-room among the scholars by providing music and its concomitants, which resulted in adding taste and refinement to recreation ; and, as it is apparent from the facts presented in this report that the children committed to our care can be successfully taught without corporal punishment, let us endeavor to continue to occupy our position by announcing that our Public Schools can be, and are, controlled in all their departments successfully, by the influences of kindness and capability alone, and when this is done other communities will profit by our example, as they have heretofore. The result of all this will be that hundreds and thousands of children now daily suffering from the unnecessary degradation and pain peculiar to corporal punishment will be saved from it, while just so fast as corporal punishment disappears from the school room, just so fast will the school teacher grow in the estimation of his fellow citizen, until he finally reaches the exalted position to which his profession justly entitles him.

Your committee have not considered the second resolution, and desire to report progress thereon, simply, because they deem it of imperative necessity, before reporting upon the matter referred, that the Board should first pass upon the question of restoring corporal punishment in the schools.

The following resolution is offered for adoption :

Resolved, That the proposition to repeal section 42 of the By-laws, page 86 of the Manual of 1870, and restore section 43 of the By-laws of 1869, be denied.

All which is respectfully submitted.

NATH. JARVIS, JR., }
WM. E. DURYEA, } *Committee.*

Dated October 5, 1870.

IN BOARD OF EDUCATION,

NOV. 5, 1873.

Commissioner HALSTED presented the following report from the Committee on Teachers :

To the Board of Education :

The Committee on Teachers, to whom were referred the following preamble and resolutions :

Whereas, In the annual report of the City Superintendent submitted to the Board of Public Instruction on the 22d day of January, 1873, it is stated that after a careful observation of the results of the experiment of exclusive moral suasion in our schools during the past two years, the said City Superintendent "unhesitatingly" recommends, "in the light of a long experience as a teacher and superintendent," to "re-invest the principals with the right to inflict, under proper regulations and restrictions, corporal chastisement upon those pupils who show themselves amenable to no other influence." Therefore, be it

Resolved, That the Committee on Teachers be instructed to inquire as to the character of the discipline practiced in our Public Schools, and that for this purpose consultation be had with the City Superintendent and the more experienced of our teachers and principals.

Resolved further, That the result of this inquiry be submitted to the Board, with such recommendations as the said Committee may deem advisable—

Respectfully report :

That the subject contained in the foregoing resolutions has received our most careful consideration, and in accordance with the directions of the Board, we have had before us twenty-five of the Principals of our Male Grammar Schools, Primary Departments and Primary Schools, who have been examined at considerable length to ascertain their views as to the success of the experiment of the present system of exclusive moral suasion upon the discipline and scholarship of our schools. These Principals were selected in part by lot, and in part from the older and more experienced of our teachers, some of whom were known to have dispensed with the use of corporal punishment in the management of their schools before its abolition by the Board, but the result of the inquiry has shown that the unanimous sentiment of these teachers is in favor of the restoration to the Principals of Male Grammar and Primary Departments of the right to inflict corporal punishment, under proper restrictions, upon wilfully disobedient and incorrigible boys, and that such a change would be not only highly beneficial, but is indispensable to the proper discipline and general progress of the schools. Your Committee sincerely wish the Board, as a whole, could have heard the testimony presented on this important subject, for with every desire to place the facts as they appeared to us before the Board, we are painfully conscious that much of the force of the testimony must be lost by any abstract we can give, and if we fail in presenting the case as strongly as we should like, we can only ask such members of the Board as may have any doubts as to the expediency of our present recommendations to inform themselves by personal inquiry of the facts of the case, and of the opinions of those who have our schools in charge.

The main points brought out by our investigations are as follows :

First. Obedience to ordinary commands relating to the customary exercises of the classes is no longer prompt and exact—the time of the teachers being wasted while waiting for careless and dilatory pupils to obey—so that the “drill” of classes in their ordinary movements and exercises has deteriorated.

Second. Obedience in matters calling for self-denial or submission of the pupils’ will to that of the teacher is seldom promptly secured, very frequently only after troublesome intercession of the parent, and sometimes not at all.

Third. Wilful and defiant disobedience is much more common than heretofore, and manifestations of ill temper and ill manners much more frequent, thus showing a great falling off in the general tone of the pupils’ manners and morals.

Fourth. Insolent behavior and saucy and sneering looks and remarks, and indifference and disrespect toward all school authority have greatly increased under the present system.

Fifth. Truancy is more frequent.

Sixth. Personal cleanliness, also the proper care of books, slates and other school property are not as easily secured as formerly.

Seventh. Gross disobedience in all sorts of matters such as to require the interference of some authority external to the teacher has greatly increased. This is a great evil, because the class teacher ought, in the eyes of the pupils, to be the fountain of authority.

Eighth. The defiance of parental authority, especially in cases of children with widowed mothers, has more than doubled.

Many such boys proving entirely beyond control, have drifted out of the schools into the street or workshops or private schools.

Ninth. Pupils in our higher classes are less docile than formerly; our Vice-Principals and First Assistants now having far more trouble than formerly with disorderly and indolent boys—thus showing that previous school training has not tended to form habits of obedience and submission.

Tenth. Teachers have to some extent fallen into the habit of overlooking offenses committed by boys known to be beyond parental control, and have thus lowered their standards of discipline to the injury of their pupils.

Eleventh. Children are ruder both in and out of school, and less *self-respectful* than under the old system.

Twelfth. Instances of gross and continued neglect of studies are more frequent. This, coupled with the necessity of spending much time in securing the attention and awakening the mental activity of the pupils, has nearly doubled the labor of the class teachers, while the advancement of the children in a given time has been much less.

Thirteenth. Poor men are often compelled to visit the schools to assist in governing their children, often at great inconvenience and loss of part of a day's work, and make it a cause of complaint against the Public Schools. Such visits were seldom necessary under the old system. Moreover, parental settlement of school difficulties and punishment for school offenses have no restraining influence upon other scholars, and thus one of the principal and most important uses of school punishment is nullified.

Fourteenth. Teachers resort to questionable expedients to se-

cure that obedience and attention without which their classes cannot be brought up to grade.

Fifteenth. Juvenile lawlessness, rudeness, profanity and crime have manifestly increased since the abolition of corporal punishment, thus proving a directly evil influence upon society in general.

Sixteenth. A large number of bad children, who might have been reformed under the old system, have been "worked out" of the schools, or taken out and "put where they could be made to mind."

While, therefore, in the opinion of your Committee, this question is one of very serious import, and we have no reason to doubt that the tendency elsewhere is to imitate the practice which has lately been adopted in our schools, dispensing with the use of the rod altogether, we feel compelled to say that the experience of our ablest and most successful teachers in and out of our Public Schools leads us to the opinion that no real practical good has resulted from the change, but that, on the contrary, much evil has been occasioned by it. The effect of unrestrained disorderly conduct on the part of one pupil in a class is of itself sufficient to demoralize the whole class. There is at present but one remedy under our rules for such cases, and that is to remove the bad influence and example by expulsion, which results in turning a bad boy into the streets. This not only does not work a salutary change in the pupil, but removes all chances of his permanent reformation, and in this connection we cannot refrain from calling the attention of the Board to the fact that in most of the Reformatory institutions in this city we find quite a number of bright boys who have actually been placed there simply because their parents, by their own confession, could not control them at home, and could not have them properly governed in our schools, where they ought now to be. It would scarcely be fair to conclude our report on such an important matter without some reference to the existence of another report on this same subject, which can be found in full

on pages 411 to 422, Journal of 1870, from the facts and conclusions of which we are compelled to dissent altogether; but having based our recommendation for action in this matter on the condition of things as we find them in our schools to-day, with the results before us of the three years' experiment of the system of exclusive moral suasion, so strongly advocated in that report, we are content to leave the matter to the intelligent decision of this Board.

Your Committee, therefore, recommend that Section 40 of article 14 be amended so as to read as follows:

SECTION 40. No corporal punishment of any description shall hereafter be inflicted in any Female Grammar or Female Primary Department or school under the jurisdiction of the Board of Education. Any punishment inflicting bodily pain of any kind shall be deemed corporal punishment.

Corporal punishment in the Male Departments of the Grammar Schools, or of male pupils of the Primary Departments and Schools, shall be inflicted only by the Principal, or, in his absence, by the Vice-Principal, on proof of flagrant and persistent misconduct after all reasonable efforts to reform the offender shall have been made.

The offense for which corporal punishment shall be inflicted shall be distinctly stated to the pupil, and it shall be the duty of the Principal to keep a record of such punishments and of all and any corporal punishment inflicted in the school by any teacher, stating the name of the teacher and the pupil, the offense committed, the evidence of such offense as ascertained by personal investigation by such Principal or Vice-Principal, and the nature and extent of such punishments, and said Principal shall forward a transcript of such record monthly, on or before the third day of the month succeeding, to the City Superintendent of Schools, who

shall keep the same for the inspection of the Board of Education, the School Inspectors and the School Trustees.

Any Principal neglecting to keep such record, or to forward a transcript thereof, as above required, or who may be guilty of inflicting any cruel or excessive punishment; and any teacher other than the Principal or Vice-Principal of a Male Department who shall inflict any corporal punishment shall, on the recommendation of the City Superintendent, on proof of such delinquency or improper punishment, be removed by this Board.

J. M. HALSTED,	} <i>Committee on Teachers.</i>
JOHN CROSBY BROWN,	
WM. DOWD,	
FERDINAND TRAUD,	

On motion of Commissioner WEST—

Ordered, That said report be laid on the table.

On motion of Commissioner DOWD--

Ordered, That said report be printed in full in the minutes.

IN BOARD OF EDUCATION.

JUNE 6, 1877.

Commissioner WEST presented a report from the Committee on By-Laws, Elections and Qualifications, relative to corporal punishment, as follows :

To the Board of Education :

The Committee on By-Laws, Elections and Qualifications, to whom was referred the following resolution presented by Commissioner Walker on the 21st of March last :—

“ *Resolved*, That the Committee on By-Laws, Elections and Qualifications be instructed to consider and report whether any modification of article XV of the By-Laws of the Board should be made, and, if so, to report such modification or substitute for the consideration of the Board.”—

Respectfully report, That they have given the subject a full and impartial consideration, and find that the order and discipline of the schools under the jurisdiction of the Board of Education have reached a point of excellence under the operation of the present by-law forbidding corporal punishment without precedent in the history of our public schools. Hence the by-law referred to in the resolution should not be changed, modified or repealed.

That instead of said By-Law operating injuriously to the schools, *the discipline of the same has increased five and one quarter per cent., reading four per cent., spelling twelve and three-quarters per cent., writing three per cent., arithmetic seven and one-quarter per cent.*, as will be seen by reference to the following extract from the annual report of the City Superin-

tendent for the year 1876, and found on page 117 of the Annual Report of the Board of Education for that year.

“A comparison of these tables shows that the schools, as a whole, have made improvement, both in discipline and in each of the branches of study included in this exhibit.

“The following shows the average result in each of these particulars during the last seven years :

AVERAGE RESULT OF EXAMINATIONS.

YEAR.	Discipline. Per Cent.	Reading. Per Cent.	Spelling. Per Cent.	Writing Per Cent.	Arithmetic. Per Cent.
1870.....	89 $\frac{1}{4}$	81 $\frac{1}{4}$	76	83	76 $\frac{1}{4}$
1871.....	89	79 $\frac{1}{2}$	79 $\frac{3}{4}$	83 $\frac{1}{2}$	79 $\frac{1}{4}$
1872.....	92	81 $\frac{1}{2}$	82 $\frac{1}{2}$	84 $\frac{1}{2}$	81 $\frac{1}{2}$
1873.	90 $\frac{1}{2}$	82	83	82	79
1874.....	90	80 $\frac{1}{4}$	83 $\frac{1}{4}$	82 $\frac{1}{2}$	78
1875.....	93	83 $\frac{3}{4}$	86	83 $\frac{1}{2}$	80 $\frac{1}{2}$
1876	94 $\frac{1}{2}$	85 $\frac{1}{4}$	88 $\frac{3}{4}$	86	83 $\frac{1}{2}$

“As in the three previous years, the discipline appears to the best advantage in this table; and, of the branches of instruction, spelling shows the best results.”

Corporal punishment, with all its degrading and demoralizing influences, has no merit, even in the eyes of its friends, save as a means of discipline. Now, when it can be shown by the documents or records of the Board of Education, that the discipline of the schools under its jurisdiction has increased in a marked degree since its total abolition, in December, 1870, there can be no just ground for changing a by-law in unison with the spirit of the age and its humanitarian progress.

When important changes are proposed or made in any By-Law, good and sufficient reasons should be given therefor. Nor should salutary by-laws be changed, modified or repealed merely to meet the views of individuals, and in the face of results that should prove satisfactory to all who have an interest in our public schools. Public sentiment has not called for a change by demanding the restoration of the rod, and the condition of said schools in point of discipline will not warrant it.

Scriptural injunctions have been invoked to justify the use of the rod, and probably will be again, but injunctions of the kind cannot with propriety be arbitrarily applied to purely temporal matters after a lapse of thousands of years from the time they were written, without considering the changes in the condition of human society. As well might the people of the present day go back to the form of government in vogue during the reigns of David and Solomon, before representative forms of government were known on the face of the earth, or adopt the mode of warfare in practice during the days of Alexander the Great.

Corporal punishment is fast disappearing in penal institutions, in many cases by legislative enactment prohibiting it, and will soon be known as a thing of the past among all civilized nations. And why should the Public Schools of the Empire City be placed on the retrograde march in that particular without facts or argument to warrant so strange a departure?

Harsh or cruel treatment was never known to effect a permanent reform of old or young among any class of people. On the other hand, kind and conciliatory treatment has subdued ten for every one reformed by the former course.

Military commanders have been shot down in battle by their own men on account of cruelties practised under the cloak of authority, while others differently constituted by nature and habit have led their men into the very jaws of death without a

murmur, and to victory. The former class govern (if they govern at all) by their brutal instincts; the latter by their knowledge of the world and human nature.

A child never loves nor respects a teacher who chastises him with a rod or lash, and if obedience now and then is effected thereby, it is only through a slavish fear that dwells upon the surface, and has no place or root in the heart or convictions of the child, whose very nature rebels against such a mode of punishment.

Why is it that the child as a rule is more attached to the mother than to the father? The answer is simply because the mother produces love and obedience by her appeals, instead of fear; and in this respect excels the father in the art of governing the young.

The brute is controlled best and most effectively by kind treatment, and the skilled horseman is ever known by the command he exercises over his horse without effort or harshness; while the unskilled in the art is constantly in trouble, for he neither governs himself nor his charge, although continually resorting to harsh measures to effect it.

Innumerable cases could be mentioned to prove that the use of the rod has never been instrumental in producing order or good government in schools, or in reforming unruly children. On the contrary it has frequently produced the very result it was designed to check or prevent. And the schools in which the rod has never been used produce the best scholars, and are noted for order and good government.

In connection with this subject it may be well to refer to the operation of the by-law prohibiting suspensions and expulsions for other than incorrigible conduct. This by-law was adopted December 6th, 1871.

The suspensions and expulsions for five years ending December 31, 1876, were as follows:

<i>Year.</i>	<i>Suspended.</i>	<i>Re-admitted.</i>
1872	77	4
1873	79	13
1874	94	30
1875	105	36
1876	130	22
	485	105
	105	
Total expulsions 380 for five years.		

Showing a yearly average of *seventy-six only*.

Notwithstanding the Compulsory Law was in operation for nine months in 1875, and the whole of 1876, which must have resulted in placing many pupils of bad habits in the public schools, only 177 were expelled for that space of time, while 327 were suspended and expelled for all causes from January 1st to December 6th, 1871, or more than three to one for the yearly average of the five years above named.

City Superintendent Randall, in his Annual Report for 1869, referring to Corporal Punishment, said: "The public opinion of the age in which we live has unmistakably fixed its seal of condemnation upon this degrading species of punishment. In all our higher institutions of learning, in our universities, colleges, academies, seminaries, normal and high schools, it has substantially disappeared. Even in the army and navy, where the rigid maintenance of discipline is an absolute necessity, it has been proscribed. Its infliction as a penalty for crimes and misdemeanors in one of the States of the Union has called forth from the public press one universal and indignant cry of disapprobation and shame. Was it desirable that the Public Schools of the

City of New York should longer retain, in their discipline, this relict of a past age, sanctioned as it is by custom alone, justified by no law, repulsive to every benevolent dictate of our nature, and disapproved by the enlightened judgment of every community? Was it not rather incumbent upon us, justly proud as we are of the conceded superiority of our system, to proclaim to the world by the entire abolition of this mode of punishment, our judgment of its inefficacy, impolicy and inconsistency with every well-founded method of educational culture?"

Montaigne says, "Do but come in when youths are about their lesson, and you shall hear nothing but the outcries of boys under execution, and the thundering of pedagogues drunk with fury;" and again, "How much more decent would it be to see their classes strewed with leaves and flowers, than with bloody stumps of birch!"

The Cyclopædia of Education, a work of over eight hundred pages, edited by City Superintendent Henry Kiddle, and Assistant Superintendent Alexander J. Schem, after citing numerous authorities for and against corporal punishment, says: "Nothing, however, has been so grievously and shockingly abused by parents and teachers as corporal punishment—in all its various and loathsome forms—flogging, flagellation, caning, whipping, scourging, beating with birch twigs, thongs, etc. When the vile and unnecessary cruelties perpetrated upon children by these various instruments are considered, it is no wonder that corporal punishment appears to many persons altogether revolting—a thing to be banished forever."

Were it possible to write a true history of corporal punishment in the public schools, it would in the main be a history of cruelties and shame—degrading alike to teacher and scholar—and a stain on the common school system itself.

For every teacher that has used the rod, or other methods of corporal punishment discreetly, ten have abused it; and for every pupil that has been benefited by its use—morally or mentally—ten have become demoralized, and their studies retarded by its application, and their self-respect and dignity of character lessened in many important particulars.

It has been shown by former reports presented to this Board “*That there were over one hundred thousand cases of corporal punishment in the year 1864 in the schools,*” notwithstanding there was a standing rule “that no scholar should receive corporal punishment except in cases of *extreme necessity.*” - At the same time, there were twelve (12) Primary Schools in which the rod was not used. Yet the discipline for that year was far below what it is at the present time. The number of cases of corporal punishment inflicted in said year, one hundred thousand and upward, clearly establishes the fact that little or no discretion was exercised by those teachers who believe in the efficacy of the rod; and that “*extreme necessity*” occupied a very prominent position in the art of school government during that year, without any perceptible benefit to the schools.

In conclusion, the Committee recommend for adoption the following resolution :

Resolved, That article XV of the by-laws of the Board, having operated advantageously to the schools under the jurisdiction of the Board of Education, no necessity exists for a modification or substitute for said by-law.

Respectfully submitted,

HENRY P. WEST,	}	<i>Committee</i>
W. G. BEARDSLEE,		
DAVID F. BAKER,		
		<i>on</i>
		<i>By-Laws, &c.</i>

June 6, 1877.

Commissioner WALKER also presented a report from the Committee on By-Laws, Elections and Qualifications, relative to corporal punishment, as follows :

The undersigned, members of the Committee on By-Laws, respectfully submit to the Board for adoption the following amendments to Article XV., p. 150 of the Manual :

Article XV. Strike out the words "*No corporal punishment to be inflicted,*" and insert in lieu thereof, the words "*Concerning discipline.*"

Amend Section 44 of said article so that it shall read,

No corporal punishment of any description shall hereafter be inflicted in any of the Common Schools *except as hereinafter provided.*

Insert after sub-division 5 :

5a. Previous to the suspension of a pupil from any school for any of the offenses mentioned in sub-division one of this section, the Principal of the School shall cause notice to be sent to the parent or guardian of such pupil, and an opportunity shall be afforded said parent or guardian to assent, in writing, in a book to be kept for that purpose, to the following, viz. :

"I hereby assent, that *may be subjected to such discipline as in the judgment of the Principal or Vice-Principal of this School may be found necessary in order to insure his obedience to the rules of this school, and to avoid the necessity of his expulsion therefrom.*"

Where such assent is given, the pupil shall be retained in school upon probation, and in lieu of suspension, corporal punishment for the offenses mentioned in sub-division one may be inflicted by the Principal, or in his absence, by the Vice-Princi-

pal. In case the pupil continues insubordinate, he may be suspended as hereinbefore provided.

The offense for which corporal punishment is to be inflicted, shall be distinctly stated to the pupil previous to its infliction, and it shall be the duty of the Principal to keep a record of every case of such punishment, stating the name of the pupil, the offense committed, the evidence of such offense as ascertained by personal investigation by the Principal or Vice-Principal, and to make said record a part of the monthly report of the school to the City Superintendent.

Sub-division 6. Strike out the words "by-law abolishing corporal punishment," and insert the words "by-laws concerning discipline."

Sub-division 7. Strike out the words "in regard to corporal punishment," and insert in lieu thereof "concerning discipline."

Although no original line of investigation has been pursued by the Committee, the undersigned are not without resources, both of fact and argument, which support the conclusion reached by them, and which is embodied in the proposed amendments.

It will be proper, with as much brevity as possible, to suggest to the Board certain inconsistencies and illegalities in the scheme of discipline which has been in force for the past few years. We believe that an examination of the principle which underlies the present by-law will result in a conviction of the propriety of the proper amendment which seeks to provide a mode by which proper discipline may be maintained in the schools without evading or controverting any law of the State, or depriving any citizen of his rights to the privileges of the Common School system.

The theory of the present by-law is that a child difficult to

discipline may be expelled, not from a particular school only, but from all the schools. *Deprivation of school privileges is the remedy for insubordination.* A right of appeal to the Board of Education is accorded to the parent or guardian; but the time of appeal is limited, and if the action of the Principal and Local Trustees is approved, the result is that the parent has no further right to place his child in school.

We believe that legislation of this character is illegal.

It will not be controverted that every citizen of this city has a right to have his children educated in the schools of the city. We need not cite statutes or decisions in favor of so plain a proposition. A parent, whether taxpayer or not, has a just claim upon the State for the full benefits and advantages of a Common School. These advantages comprise care, oversight and discipline, as well as instruction. A teacher of a Common School is, by immemorial usage and uniform judicial decision, *in loco parentis*. A laboring man, for instance, in hard circumstances as to worldly affairs, with a family of boys between six and fourteen years of age, with a feeble wife at home, has between the hours of nine and three of each school day an indefeasible right to surrender the discipline and government of his boys to supervision in the Common School. He has a right to feel, during a portion of the time at least of his own hours of toil, that his boys are in the hands of those whom the State has appointed to be their guardians in his place. On the other hand the State has no right to discharge itself of any portion of this trust. It cannot say: "Your oldest boy is hard to govern; we find him difficult to manage; the State would willingly instruct him if he were willing to be instructed; but neither persuasion nor entreaty will make him studious and obedient. We therefore resign the charge." No such abandonment of duty is justifiable. The function of the school system is to govern as well as teach. The law of obedience is as important as the Rule of Three.

The present by-law of the Board is an evasion of plain duty and an invasion of plain legal rights. It provides that a lad deemed incorrigible (a term, by the way, which involves no implication of moral delinquency) shall be put upon the streets and made a vagrant. It disclaims and shirks an obvious responsibility. Its enforcement, it is believed, has made hundreds of truants and criminals.

The plan proposed by us will permit the Board to resume its neglected duties. The assent of the parent which the amended by-law contemplates is not so much an *assent* to the enforcement of the rules of ordinary discipline, as it is a *waiver* on his part of his claim upon the State. If he signs the assent (which with hardly an exception will be the case) the State will do its full duty in the premises; if he does not assent he has no further claim upon the State for the government of his children.

Since this subject was last investigated by the Board, (1873) the Truancy Statutes have gone into operation in this State, and this Board alone of all the Boards in the State has undertaken the duty of their enforcement. The bearing of these Statutes upon the foregoing argument is obvious and important. By virtue of the State laws truants are returned to school or are incarcerated. By virtue of our by-laws boys are turned out of school and made truants. It is a plain legal duty of the truant agent to take the lad, who has been pronounced incorrigible and dismissed, to the school-house door; it is also the duty of the principal to deny him admittance. There is no statutory limitation to this interesting battledore and shuttlecock procedure.

The truant agents have lately been before the By-Law Committee for examination respecting their proceedings. It appears from their testimony and from other records of the Board, that their time is almost wholly occupied in returning boys to school who have already been entered upon the rolls. Boys who have

voluntarily entered schools, and could have been kept there under proper discipline, form the large majority of all those who are the subject of treatment under the Truancy statutes. The number of those for whom these statutes were primarily intended, that is, those who wilfully or through the greed or negligence of parents stay away from school altogether, is comparatively small. It seems reasonable to suppose that by withdrawing from our by-laws a provision that illegally compels and produces truancy, we may more effectually, and at much less expense than at present, carry out those provisions of the truant laws which are necessitated by circumstances not of our own creating.

In reference to the arguments and statistics which we anticipate will be presented in another report on this subject, we have only a few words to offer.

The general subject of corporal punishment in our schools has been elaborately presented in two reports to this Board, (1870 and 1873) and we beg leave to refer to both. There is no occasion in this report to controvert or adopt either. Life is happily too short to permit us to rehearse all the debates of our predecessors. If, however, it should be contended, as we suppose it will be, that there are fewer expulsions in our schools than there were prior to 1870, we reply that prior to that date, as hereinbefore observed, expulsions from school meant simply suspension from a particular school, and not from every school under the charge of the Board, and any argument drawn from statistics of this character is fallacious. If, again, it should be contended that the Superintendent's reports since 1870 indicate an improvement in discipline, we reply that no argument against the measure proposed can be thus deduced, for the reason that the Superintendent's reports upon the matter of discipline are digests from the Assistant Superintendents' reports regarding the appearance and conduct observable in annual or

semi-annual visitations, which are no fair test respecting the daily experience, we may add, the hourly tribulations of the assistant teacher in her class-room.

Furthermore, those who compare relative discipline and attendance at different periods, and seek to argue therefrom, respecting either the propriety or impropriety of corporal punishment, make the tremendous mistake of supposing that corporal punishment has ever ceased to be practiced. One great argument for the amendment is, that what is now illegally and improperly done, should be restrained and placed under due regulation. What is done covertly and against rule, and is the subject of numberless complaints, referred with power to the Teachers' Committee, should be actually and not in name only abolished. To legislate against necessities and complacently consider that success has been attained is a phantasy of the sentimentalist. Where there is one complaint against a teacher brought before this Board by a jealous rival, those best informed assert that there are in our schools hundreds of instances in which the by-laws are evaded, and the offense is either unnoticed or condoned.

For these reasons and for many others which might be added, we trust some such amendment as is proposed by us will be adopted.

It is neither necessary nor expedient to discuss the general subject of discipline, its modes, limitations and uses. There is no subject upon which practical educators are more ready with familiar argument and illustration, none upon which those who are not practical educators, but who are charged with administrative duties respecting education, are more likely to feel themselves competent to judge. Instinct and not experience is deemed a correct guide. There is doubtless room for honest and diverse judgment respecting it. The optimist by the constitution of his nature must think one way, the pessimist the other. The

practical mind is able to find a middle ground upon a platform of this nature, that humanity and gentleness are the most effective and proper means of controlling boys and girls; that severity and cruelty are revolting and ineffective; on the other hand, that authority and discipline without the sanction of punishment, are not known to any law, human or divine, and that what is called moral suasion must be in many cases altogether ineffective, and in all cases less effective, when it is understood that it is the exclusive means which the laws permit to check insubordination and maintain authority.

The undersigned believe it to be the duty of this Board to provide means and authority to meet all cases; *to discipline* and not to *dismiss*, and to limit by wise provisions the possibility of passion or cruelty having any place in our Public Schools.

All which is respectfully submitted.

STEPHEN A. WALKER,
WILLIAM WOOD,
LEONARD HAZELTINE.

June 6, 1877.

Commissioner WALKER moved that said reports be entered in full in the minutes, and that they be made the special order after the third order of business at the next meeting of the Board.

The PRESIDENT put the question whether the Board would agree with said motion, and it was decided in the affirmative.

IN BOARD OF EDUCATION,

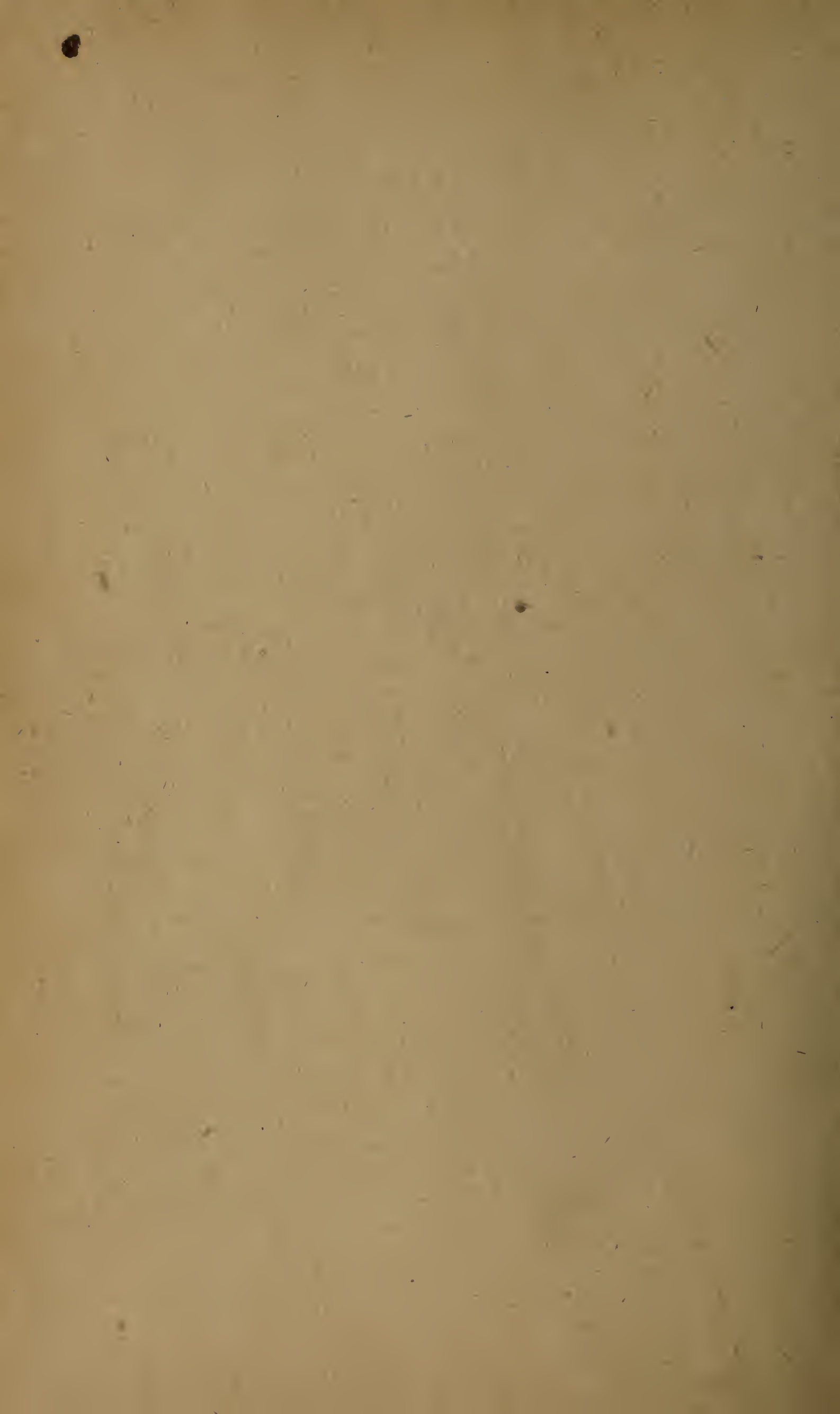
JUNE 20, 1877.

SPECIAL ORDER.

The PRESIDENT announced that the Special Order would be the consideration of the reports of the Committee on corporal punishment.

Commissioner WALKER moved that the consideration of said reports be laid on the table and made the special order after the third order of business at the second meeting in the month of September.

The PRESIDENT put the question whether the Board would agree with said motion, and it was decided in the affirmative.



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